



## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants: Volkin, David B. et al.

Serial No. 10/697,233

Filed: October 30, 2003

For: DNA VACCINE FORMULATIONS

Art Unit: 1614

Examiner: Vogel, Nancy S.

Commissioner for Patents  
P.O. Box 1450  
Alexandria, Virginia 22313-1450

**INFORMATION DISCLOSURE STATEMENT  
UNDER 37 CFR 1.97**

Sir:

1. In compliance with 37 C.F.R. 1.97, submitted on the attached form herewith is a list of patents, publications or other information which are requested to be made of record in this application. This Information Disclosure Statement is not an admission that any patent, publication or other information referred to herein is "prior art" for this invention. In accordance with 37 C.F.R. 1.97(h), the filing of this Information Disclosure Statement shall not be construed to be an admission that the information cited in the Statement is, or is considered to be, material to patentability as defined in 37 C.F.R. 1.56(b).
2. In accordance with 37 C.F.R. 1.97(g), the filing of this Information Disclosure Statement shall not be construed to mean that a search has been made.
3. Applicants respectfully request that the Examiner initial the attached form after reviewing the pertinence of each reference.
4. Pursuant to 37 C.F.R. 1.98 (a)(2)(ii), copies of each cited U.S. patent and each U.S. patent application publication are not enclosed herewith.

05/26/2005 EFLORES 00000010 132755 10697233  
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I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, Virginia 22313-1450, on the date appearing below.

MERCK &amp; CO., INC.

By  Date 23 May 2005

**INFORMATION DISCLOSURE STATEMENT**

5. Pursuant to 37 C.F.R. 1.98(d), copies of references listed on the attached form that were submitted to or cited by the Office in a related application upon which the instant application relies for an earlier filing date under 35 U.S.C. 120 are not enclosed. Related application(s) in which references were submitted to or cited by the Office are as follows:

RELATED APPLICATION		
U. S. SERIAL NUMBER	FILING DATE	MERCK CASE

If this is inconvenient, additional copies will be submitted upon request.

6. In accordance with 37 C.F.R. 1.97, (check one)

the attached information is filed within three months of the filing date of the captioned case.

the attached information is filed more than three months after the filing date but prior to the mailing of a first Office Action on the merits.

the attached information is being filed more than three months after the filing date and after the mailing of a first Office Action on the merits, but before the mailing date of a Final Action or Notice of Allowance. The enclosed authorization is therefore given to charge Deposit Account No. 13-2755 for the fee required under 37 C.F.R. 1.17(p).

the undersigned certifies that each item of information contained in this Information Disclosure Statement was first cited in any communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of this Statement.

the undersigned certifies that no item of information contained in this Information Disclosure Statement was cited in a communication from a foreign patent office in a counterpart foreign application, and, to the knowledge of the person signing the certification after making reasonable inquiry, was known to any individual designated under 37 C.F.R. 1.56(c) more than three months prior to the filing of this Statement.

Respectfully submitted,



By: J. Mark Hand

Attorney \_\_\_\_\_ For Applicant(s)

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(732)594-3905 \_\_\_\_\_

Date: May 23, 2005 \_\_\_\_\_

FORM PTO-1449 U.S. DEPARTMENT OF COMMERCE PATENT AND TRADEMARK OFFICE		ATTY. DOCKET NO. 19698YCC	SERIAL NO. 10/697,233			
INFORMATION DISCLOSURE STATEMENT (Use several sheets if necessary)		APPLICANT(S) D.B. VOLKIN ET AL.				
MAY 25 2005 U.S. PATENT & TRADEMARK OFFICE C-10		FILING DATE 10/30/03	GROUP ART UNIT			
U.S. PATENT DOCUMENTS						
EXAMINER INITIAL	DOCUMENT NUMBER	DATE	NAME	CLASS	SUBCLASS	FILING DATE IF APPROPRIATE
	5,057,426	10/15/91	Henko et al			
	3,915,794	10/28/75	Zygraich et al.			
	5,736,524	4/7/98	Content et al.			
	5,521,061	5/28/96	Bresser			
	6,004,777	12/21/99	Tartaglia			
	5,869,306	2/9/99	KumA et al.			
	5,985,327	11/16/99	Burgoyne			
	5,811,406	9/22/98	Szoka et al.			
	5,851,769	12/22/98	Gray et al.			
	6,022,737	2/8/00	Niven et al.			
	5,561,064	10/1/96	Marquet et al.			
FOREIGN PATENT DOCUMENTS						
EXAMINER INITIAL	DOCUMENT NUMBER	DATE	COUNTRY	CLASS	SUBCLASS	TRANSLATION YES NO
	WO95/39813	12/19/96	PCT			
	WO95/41873	12/27/96	PCT			
	WO93/03167	2/18/93	PCT			
	WO94/02639	2/3/94	PCT			
	WO96/20732	7/11/96	PCT			
OTHER DOCUMENTS (Including Author, Title, Date, Pertinent Pages, Etc.)						
	AA	Haynes et al "Gene Gun Medicated DNA Immunization Elicits Humoral, Cytotoxic and Protective Immune Response" Vaccines 1994, pp 65-70				
	AB	Lindahl et al. "Rate of Depurination of Native Deoxyribonucleic Acid", Biochemistry, Vol. 11, No. 19, 1972				
	AC	Lindahl et al. "Rate of Chain Breakage at Apurinic Sites in Double-Stranded Deoxyribonucleic Acid", Biochemistry, Vol 11, No. 19, 1972				
EXAMINER			DATE CONSIDERED			
EXAMINER: Initial if reference considered, whether or not citation is in conformance with MP&P § 609; Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to the applicant.						

FORM PTO-1449  INFORMATION DISCLOSURE STATEMENT (Use several sheets if necessary)	U.S. DEPARTMENT OF COMMERCE PATENT AND TRADEMARK OFFICE	ATTY. DOCKET NO. <b>19698YOC</b>	SERIAL NO <b>10/697,233</b>
	APPLICANT(S) <b>D.B. VOLKIN ET AL.</b>		
	FILING DATE <b>10/30/03</b>	GROUP ART UNIT	
	OTHER DOCUMENTS (Including Author, Title, Date, Pertinent Pages, Etc.)		

AD	Graf et al. "Iron-catalyzed Hydroxyl Radical Formation", The Journal of Biological Chemistry, Vol. 259, No. 6, Issue of March 25, pp 3620-3624, 1984
AE	Greer et al. "Studies on Depurination of DNA by Heat", J. Mol. Biol. (1962), 4, 123-141
AF	Freitas et al "Pentoxifylline - A Hydroxyl Radical Scavenger" Biol. Trace Elem. Trs. 47: p 307-311
AG	Hu et al. "Para-aminobenzoic acid scavenges reactive oxygen species and protects DNA against UV and free radical damage", J. Nutr. Biochem. 6: p 504-508
AH	Zinkernagel et al. 'Antiviral Immunity', Immunology Today, Vol. 18 (6), pp 258-260 (1997)
AI	Robinson, 'Nucleic acid vaccines: an overview'; Vaccine, Vol. 15 (8), pp 785-787, (1997)
AJ	Strugnell et al. 'DNA vaccines for bacterial infections', Immunol. et Biol. Vol 75, pp 364-369, (1997)
AK	Chattergoon et al. 'Genetic immunization: a new era in vaccines and immune therapeutics', FASEB J., Vol. 11, pp 753-763 (1997)
AL	Lang, "Tertiary Structure of Purified DNA by Dehydration with Ethanol"; Tex. Rep. Biol. Med., Vol. 31(2), p 258 (1973)
AM	Peak et al. "Similar Ultraviolet Action Spectra for the Protection by Glycerol of Transforming DNA against Single-Strand Breaks and Inactivation of Biological Activity"; Rad. Res. Vol. 97, pp 570-575 (1984)
AN	Goodman et al. 'Cloning of Hormone Genes from a Mixture of cDNA Molecules'; Methods in Enzymology, Vol 68, pp 75-90, (1979)
AO	Sigma Catalogue, pp 485 and 1556 (1993)
AP	Gennaro, Remington: Practice of; 19th Edition, (1995)

EXAMINER	DATE CONSIDERED
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		FILING DATE <b>10/30/03</b>	GROUP ART UNIT
OTHER DOCUMENTS (Including Author, Title, Date, Pertinent Pages, Etc.)			
	AQ	Gibco BRL, Life Technologies Catalogue, (1994)	
	AR	Graves et al. Pharmaceutical Reserach, Vol 11 (10), Suppl. S1-S490 (1994)	
	AS	Sarker et al. "Oxygen radical-induced single strand DNA... system" Mutations Res. Vol 337, pp 85-95 (1995)	
EXAMINER		DATE CONSIDERED	
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